

REMARKS

Claims 1-6, 8-35 and 37-46 were examined by the Office, and in the Office Action of February 19, 2009 all claims are rejected. With this response claims 1, 16, 31 and 46 are amended. All amendments are fully supported by the specification as originally filed. Applicant respectfully requests reconsideration and withdrawal of the rejections in view of the following discussion.

Claim Rejections - 35 USC §103

In section 4, on page 2 of the Office Action, claims 1-2, 4, 6, 8-9, 11-17, 19, 21, 23-26, 28-31, 33, 35, 37-38, 40 and 42-46 are rejected under 35 U.S.C. § 103(a) as unpatentable over Sato et al. (U.S. Patent No. 7,167,898) in view of Bates et al. (U.S. Appl. Publ. No. 2003/0013456). Applicant respectfully submits that claim 1 is not disclosed or suggested by the cited references, because the cited references, alone or in combination, fail to disclose or suggest all of the limitations recited in claim 1. Claim 1 is amended to clarify that the presence information is activity-based presence information, and applicant respectfully submits that the cited references at least fail to disclose or suggest that the notifications comprise activity-based presence information of the far-end party.

The Office acknowledges on page 4 of the Office Action that Sato does not disclose that the notifications comprise presence information of the far-end party, and relies upon Bates for this teaching. However, the amendments to claim 1 clarify that the presence information recited in claim 1 is distinct from the "presence" of a user referred to in Bates. In contrast to claim 1, Bates uses "presence" to define the physical location of a user within a particular region or area. See Bates paragraph [0026] (notify or alert a user of the presence of another user within the same region or area). For example, Figure 1 of Bates clearly shows that areas 106A and 106B are physical locations, and Bates states that the portable communication device enables a meeting

between users who live in different regions by notifying the user of the presence of the portable communication device of the other user when the other user is in the same region. See Bates paragraph [0026]. However, the use of presence in Bates is entirely distinct from the term “presence information” as recited in claim 1.

In order to clarify this distinction, claim 1 is amended to recite “activity-based presence information,” to clarify that presence as used with respect to the present invention does not refer to the physical location of a communication device, but instead to the communication status of a user. For example, the specification for the present application states that “activity” refers to any kind of action, which may include surfing a web site, an on-going voice call or sending a message. See specification page 14, lines 10-15. However, it is apparent from Bates that “presence” as used in Bates refers only to a user of a communication device being physically present in a particular area or region. The meaning of “presence” as used by Bates is apparent from the statement that the group member location field (406) comprises the location of the portable communication device (102) as determined using the position detector (306). See Bates paragraph [0038]. Accordingly, Bates is entirely silent regarding “activity-based presence information” as recited in claim 1, because Bates only addresses the location of a user and not the user’s communication status, i.e. “presence information” as used in the present invention. Therefore, since Bates fails to disclose or suggest activity-based present information as used in claim 1, Bates fails to make up for the deficiencies in the teachings of Sato identified by the Office. As such, the cited references fail to disclose or suggest all of the limitations recited in claim 1.

Independent claims 16, 31 and 46 are amended in a manner similar to claim 1, and therefore are also not disclosed or suggested by the cited references. The claims depending from the above mentioned independent claims are also not disclosed or suggested by the cited references at least in view of their dependencies.

In section 36, on page 8 of the Office Action, claims 3, 5, 18, 20, 27, 32 and 34 are rejected under 35 U.S.C. § 103(a) as unpatentable over Sato in view of Bates, and in further view of Ozzie et al. (U.S. Patent No. 6,640,241). The claims rejected above all ultimately depend from an independent claim, and Ozzie fails to make up for the deficiencies in the teachings of Sato and Bates identified with respect to the independent claims. Therefore, the claims are not disclosed or suggested by the cited references at least in view of their dependencies.

In section 44, on page 10 of the Office Action, claims 10, 22, 39 and 41 are rejected under 35 U.S.C. § 103(a) as unpatentable over Sato in view of Bates, and in further view of Toth et al. (U.S. Appl. Publ. No. 2005/0053068). The claims rejected above all ultimately depend from an independent claim, and Toth fails to make up for the deficiencies in the teachings of Sato and Bates identified with respect to the independent claims. Therefore, the claims are not disclosed or suggested by the cited references at least in view of their dependencies.

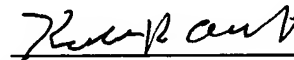
Conclusion

It is therefore respectfully submitted that the present application is in condition for allowance and such action is earnestly solicited. The undersigned hereby authorizes the Commissioner to charge Deposit Account No. 23-0442 for any fee deficiency required to submit this response.

Respectfully submitted,

Dated: 14 May 2009

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